

REMARKS/ARGUMENTS

The claims have been divided into Groups as follows:

Group I: Claims 1-6, 13-20 and 32-34, drawn to a copolymer.
Group II: Claims 7-12, drawn to an agent.
Group III: Claims 21-22 and 29-30, drawn to mineral matter.
Group IV: Claims 23-25, drawn to method and filler.
Group V: Claims 26-28 and 31, drawn to method and coating.

Applicants elect, with traverse, Group II, Claims 7-12 (drawn to an agent), for examination.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (MPEP §803). The burden is on the Examiner to provide reasons and/or examples to support any conclusion in regard to patentable distinction (MPEP §803). Moreover, when citing lack of unity of invention in a national stage application, the Examiner has the burden of explaining why each group lacks unity with each other group specifically describing special technical features in each group (MPEP § 1893.03(d)).

The Office has asserted that Groups I - V do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: “each invention has its own technical feature for example, agent, mineral matter or filler.”

Annex B of the Administrative Instructions under the PCT at (b) Technical Relationship states:

“The expression “special technical features” is defined in Rule 13.2 as meaning those technical features that defines a contribution which each of the inventions, considered as a whole, makes over the prior art. The determination is made on the contents of the claims as interpreted in light of the description and drawings (if any).”

Applicants respectfully submit that the Examiner has not provided any indication that the contents of the claims *interpreted in light of the description* was considered in making the

assertion of a lack of unity and therefore has not met the burden necessary to support the assertion.

Moreover, all of the claims, whether agent, mineral matter or filler (as named by the Office), relate to the same technical feature, namely the copolymer of claim 1 having at least one alkoxy or hydroxyl polyalkylene glycol function grafted onto at least one ethylenically unsaturated monomer. Thus, as the Office has neither recognized this technical feature nor explained how/why such a feature does not define a contribution over the prior art, the Office has failed to show that Groups I - V do not relate to a single general inventive concept under PCT Rule 13.1.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction. Applicants therefore request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Justine M. Wilbur
Registration No. 59,678

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 08/07)